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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 CITIMORTGAGE, INC.,

11 Plaintiff,

12 vs.

13 FIDELITY NATIONAL TITLE GROUP, INC.;
14 FIDELITY NATIONAL TITLE INSURANCE
15 COMPANY; FIDELITY NATIONAL TITLE
16 AGENCY OF NEVADA, INC.; DOE
17 INDIVIDUALS I through X; and ROE
18 CORPORATIONS XI through XX, inclusive

19 Defendants.

Case No.: 2:21-cv-00538-GMN-NJK

**STIPULATION AND ORDER TO
CONTINUE STAY OF CASE**

19 Plaintiff, CitiMortgage, Inc. (“Plaintiff”) and Defendants Fidelity National Title Group,
20 Inc., Fidelity National Title Insurance Company and Fidelity National Title Agency of Nevada,
21 Inc. (“Defendants”, and with Plaintiff, the “Parties”), by and through their undersigned counsel,
22 hereby stipulate as follows:

23 This matter involves a title insurance coverage dispute wherein Plaintiff contends, and
24 Defendants disputes, that the title insurance claim involving an HOA assessment lien and
25 subsequent sale was covered by the subject policy of title insurance. There are now currently
26 pending in the United States District Court for the District of Nevada and Nevada state courts
27 dozens of actions between national banks, on the one hand, and title insurers, on the other hand.
28 In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA 2006 loan

1 policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9 and/or CLTA
2 115.2/ALTA 5 Endorsements.

3 The Nevada Supreme Court recently heard oral argument on April 11, 2023 in two appeals
4 involving similar coverage issues, *PennyMac Corp. v. Westcor Land Title Ins. Co.*, Nevada
5 Supreme Court Case No. 83737 (District Court Case No. A-18-781257-C) (“*PennyMac*”) and
6 *Deutsche Bank Nat’l Trust Co. v. Fidelity Nat’l Title Ins. Co.*, Nevada Supreme Court Case No.
7 84161 (District Court Case No. A-20-820307-C) (“*Deutsche Bank*”). The matters have been
8 taken under submission and orders remain pending. The Parties anticipate that the Nevada
9 Supreme Court’s decisions in the foregoing appeals may touch upon issues regarding the
10 interpretation of policy and claims handling, that could potentially affect the disposition of the
11 instant action.

12 The District Court has previously entered orders for limited stays pending *PennyMac* and
13 *Deutsche Bank*. See ECF Nos. 20, 25. The Parties most recently stipulated to stay the case for a
14 period of sixty (60) days, which was granted by the Court. ECF No. 25. That limited stay is set
15 to expire on September 25, 2023. *Id.* In light of the apparently-imminent decisions in *PennyMac*
16 and *Deutsche Bank*, the Parties believe that a further, sixty-three (63) day stay in the instant action
17 will best serve the interests of judicial economy, so that the Parties can receive appropriate
18 appellate guidance from the Nevada Supreme Court.

19 The Parties therefore request that the Court issue an order staying this case by
20 approximately sixty-three (63) days, through and including, November 27, 2023. The Parties will
21 submit a Joint Status Report, or further stipulation concerning the stay, on or before November
22 22, 2023. The Parties further agree that this stipulation and stay of this case is entered based on
23 the specific circumstances surrounding this particular case, and that this stipulation shall not be
24 viewed as a reason for granting a stay in any other pending matter.

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1 Notwithstanding the foregoing, in order to preserve evidence, the Parties may propound
2 subpoenas duces tecum and deposition subpoenas to third parties while this stay is in effect, and
3 the Parties may enforce subpoenas that the Parties propounded to third parties.

4 **IT IS SO STIPULATED.**

5 DATED this 21st day of September, 2023.

DATED this 21st day of September, 2023.

6 WRIGHT, FINLAY & ZAK, LLP

SINCLAIR BRAUN KARGHER LLP

7 /s/ Lindsay D. Dragon

/s/ Kevin S. Sinclair

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10 *Attorney for Plaintiff, CitiMortgage, Inc.*

*Attorney for Defendants, Fidelity National
Title Group, Inc., Fidelity National Title
Insurance Company and Fidelity National
Title Agency of Nevada, Inc.*

14 **IT IS SO ORDERED.**

15 Dated this 22 day of September, 2023.

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19 UNITED STATES DISTRICT JUDGE
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